

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Darrell D. Smith,

Case No. 23-CV-1674 (KMM/JFD)

Petitioner,

v.

**ORDER**

B. Eischen,

Respondent.

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The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge John F. Docherty dated July 5, 2023. No objections have been filed to that R&R in the time period permitted.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise.

IT IS HEREBY ORDERED that this action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

**Let Judgment Be Entered Accordingly.**

Date: **August 11, 2023**

*s/ Katherine M. Menendez*

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Katherine M. Menendez

United States District Judge